REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-9 are now pending, claims 1 and 3 being independent claims.

Prior Art Rejection

Claims 1-3 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Sasaki et al.* (U.S. Patent 6,515,698) in view of *Sekine* (U.S. Patent 4,602,289). This rejection, insofar as it pertains to the presently-pending claims, is respectfully traversed.

Independent claim 1 is directed to an image sensing apparatus comprising: an image sensing unit; a first recording controller; and a second recording controller. The image sensing unit includes a honeycomb-type solid-state electronic image sensor for sensing the image of a subject to thereby output image data representing the image of the subject. The honeycomb-type solid-state electronic image sensor has a number of photoelectric transducers disposed in column and row directions, wherein the photoelectric transducers for odd-numbered columns are placed in odd- or even-numbered rows and the photoelectric transducers for even-numbered columns are placed in even- or odd-numbered rows. The first recording controller records image data output from the image sensing unit on a recording medium. The second recording controller records data, which represents characteristics based on the structure of lenses

of the honeycomb-type solid-state electronic image sensor and/or circuit characteristics based on use of the honeycomb-type solid-state electronic image sensor on the recording medium in association with the image data.

Thus, claim 1 specifies that the image of the subject is generated using a honeycomb-type solid-state electronic image sensor and that data representing characteristics based on the structure of lenses of such an electronic image sensor and/or circuit characteristics based on use of such an image sensor, is recorded on the recording medium in association with the image data. When the image data from the recording medium is to be reproduced, the image data, as well as data representing the characteristics based on the structure of lenses of the honeycomb-type solid-state image sensor and/or circuit characteristics of such a sensor may be retrieved so that signal processing suitable for the generated image data can be performed in accordance with data representing these characteristics.

With reference to Fig. 12, the primary reference, *Sasaki*, discloses an image recording apparatus in which information relating to a CCD 101 is written to semiconductor memory 111. Col. 7, lines 40-43. With reference to Fig. 14, the information on the CCD 101 includes the frequency of a horizontal clock pulse for driving the CCD 101, the number of pixels of the CCD 101, the method of driving the CCD 101, the start position and end position

of a light shielding portion provided on the CCD 101, the kind of color filter, etc.

In *Sasaki*, the information written to the semiconductor memory 111 is only information of the CCD 101 itself. In other words, data which represents characteristics based on the structure of lenses that belong to a honeycomb-type solid-state electronic image sensor and/or circuit characteristics based on use of such a sensor are not written to the semiconductor memory 111. Although the secondary reference, *Sekine*, is relied on as disclosing a honeycomb-type image pick-up device, this reference fails to make up for the above-noted deficiencies of *Sasaki*.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the

prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979).

In view of the above, Applicant respectfully submits that the asserted combination of *Sasaki* and *Sekine* (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of independent claim 1, or any claim depending therefrom. Furthermore, independent claim 3, and its dependent claims, define over the asserted combination based on reasoning similar to that set forth above with regard to apparatus claim 1.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 103.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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